

REMARKS

REJECTIONS UNDER 35 U.S.C. § 102

Baranwal

The Examiner has rejected claims 1, 7, and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,824,206 to Baranwal.

Claim 1 has been amended by including recitation from claim 9, and therefore the Examiner's rejection in this respect has been rendered moot.

REJECTIONS UNDER 35 U.S.C. § 103

Europe 9250

The Examiner has rejected claims 1-11 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over EP '250 in view of U.S. Patent No. 2,721,185 to Schulze. According to the Examiner, Europe '250 teaches mixing a latex with a mixture including non-elastomeric particles, water, and solvent, and then subsequently coagulating, filtering, and drying the mixture to form a free-flowing powder. The free-flowing powder is then blended with fillers and/or pigment. The Examiner acknowledges that EP '250 does not teach carbon black as a filler and/or pigment, but nonetheless the Examiner believes that the selection of carbon black would have been obvious in view of Schultze. Moreover, the Examiner believes that it would have been obvious to add a "processing aid" to the latex of EP '250 in view of Schultze suggestion to add a "processing aid" to a latex before solid state mixing to provide desired plasticizing action/softening of the rubber. The Examiner notes that Schultze teaches plasticizers such as fatty acids at column 4, line 54 in support of the rejection.

Reconsideration is respectfully requested. To begin with, the amendment made to claim 1, which recites that the processing aid includes "a polar organic compound," defines over the non-elastomeric polymers set forth on page 4 of EP '250. Likewise, claims 10 and 11, as well as newly added claims 21-37, define over the non-elastomeric polymers of EP '250.

The Examiner contends that with respect to claims 10-11, it would have been obvious to use a fatty acid or a mixture of zinc fatty acid salts for processing since Schultze teaches using processing aids such as fatty acids and "each of fatty acid and mixture of zinc fatty acid salts is taken as well known/convention processing aid per se

in the rubber compounding art.”

Reconsideration is respectfully requested. Applicants do not believe that one skilled in the art would have chosen to substitute the non-elastomeric materials set forth on page 4 of the ‘EP 250 with one of the materials, particularly fatty acids or salts thereof, set forth in column 4 of Schultze ‘185. Without conceding that this combination even amounts to the claimed invention, Applicants do not believe that – absent the written description of Applicants’ invention -- one skilled in the art would have ever contemplated this combination. Indeed, there is no suggestion or motivation in any of the references of record to create this combination. This is especially true in view of the fact that EP ‘250 is primarily concerned with preparing a free-flowing powdered rubber. To this end, page 4, lines 5-10 teaches that the additives (*i.e.*, non-elastomeric polymers) are “relatively hard” in comparison to the elastomeric materials with which they are to be associated. If nothing else, this teaches against one substituting therefore other materials such as “softeners, tackifiers, and plasticizing substances” as taught at line 45 of column 4 of Schultze ‘185.

REJECTIONS UNDER 35 U.S.C. § 103

EP ‘250, Schulze ‘185 and Baranwal 3,824,206

The Examiner has rejected claims 2-6 under U.S.C. § 103(a) as being unpatentable over EP ‘250 in view of Schulze ‘185 as applied above and further in view of Baranwal ‘206. While Applicants disagree, Applicants maintain that the amendments made to claim 1 (from which claims 2-6 depend) and the arguments made above with respect thereto, render the subject rejection moot.

REJECTIONS UNDER 35 U.S.C. § 103

EP ‘250, Schulze ‘185 and Lawson 5,332,810

The Examiner has rejected claims 12-15 under U.S.C. § 103(a) as being unpatentable over EP ‘250 in view of Schulze ‘185 and further in view of U.S. Patent No. 5,332,810 to Lawson. The Examiner contends that it would have been obvious to use the claimed functionalized rubber as the rubber in EP 250 in view of Lawson ‘810 teaching a functionalized rubber having a predictable molecular weight for mixing with carbon black.

Reconsideration is respectfully requested. Applicants maintain that the combination does not establish a prima facie case of obviousness inasmuch as EP '250 does not even disclose the use of carbon black – as acknowledged by the Examiner – and Applicants maintain that there would be no motivation to rely on the teachings of Lawson that, as discovered by the Examiner, teaches mixing a rubber having a predictable molecular weight with carbon black. Moreover, Lawson is concerned with anionically polymerizing monomer to synthesize polymer. Those skilled in the art readily recognize that this synthesis takes place within an organic solvent to form a polymer cement. Therefore, with respect to at least claim 13, which recites “anionically polymerizing,” references such as EP '250 and Schultze '185, which relate to polymer latexes, cannot be logically combined. Applicants have added claim 21, and the claims dependent thereon, to define, in the alternative, an invention reciting a cement which includes an organic solvent.

REJECTIONS UNDER 35 U.S.C. § 103

Paton et al. 2,617,782, Schulze '185, and Baranwal '206

The Examiner has rejected claims 1-11 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,617,782 to Paton in view of at least one of Schulze '185 or Baranwal '206. The Examiner contends that Paton teaches mixing crude rubber, carbon black, vulcanizing agents, and accelerating agents in a Banbury mixer. Accordingly, the Examiner believes that Paton teaches solid-state mixing rubber and carbon black. The Examiner acknowledges that Paton does not recite premixing the rubber with a processing aid. Nonetheless, the Examiner contends that it would have been obvious to practice claim 1 in view of at least one of Schultze '185 or Baranwal '206.

Reconsideration is respectfully requested. As discussed above, the amendments made to claim 1 adequately dispose of Baranwal '206 and Schultze '185. The Applicants likewise disagree with respect to claims 2-6, 7, 8, 9-11, 16, and 17-18 as set forth on pages 7 and 8 of the Office Action. Inasmuch as the basis of these sundry rejections hinge on Schultze '185 or Baranwal '206, the rejections are believed to have been rendered moot.

REJECTIONS UNDER 35 U.S.C. § 103

Paton '782, Schulze '185, Baranwal '206, and Lawson '810

The Examiner has rejected claims 12-15 under 35 U.S.C. § 103(a) as being unpatentable over Paton '782 in view of at least one of Schulze '185 or Baranwal '206 and further in view of Lawson '810.

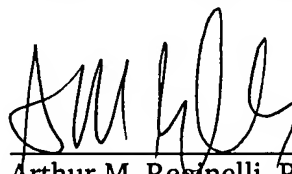
Reconsideration is respectfully requested. Again, to the extent that the basis of this rejection hinge on Schultze '185 or Baranwal '206, amendments to the independent claims are believed to have rendered these rejections moot. Moreover, the Applicants' arguments with respect to Lawson above are incorporated herein.

CONCLUSION

Applicants maintain that the amendments set forth herein place the claims in condition for allowance and are therefore proper. Indeed, the limitations set forth in previously presented claims 9, 10, and 11 required searching beyond that now presented in claim 1.

The Commissioner is specifically authorized to charge Deposit Account No. 06-0925 in the amount of \$700.00 for the payment of fees associated with the addition of the new claims. In the event that an additional fee is due or that any amount should be credited, the Commissioner is authorized to charge any additions fees or credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,



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